

REMARKS

The application has been reviewed in light of the Office Action dated April 5, 2004. Claims 1-10 and 16-21 are pending in this application. It is gratefully acknowledged that Claims 16-21 have been allowed, and that the Examiner has found allowable subject matter in Claims 3, 4, and 7-10. As indicated above, Claim 1 has been amended.

In the Office Action, the Examiner has rejected Claims 1-2 and 5-6 under 35 U.S.C. §103(a) as being unpatentable over the applicant's admitted prior art (*AAPA*) in view of *Gray et al.* (U.S. 6,473,419 B1).

As indicated above, the Examiner rejects independent Claim 1 under 35 U.S.C. §103(a) as being unpatentable over *AAPA* in view of *Gray*. More specifically, the Examiner asserts that the *AAPA* teaches all the recitations of Claim 1, except for transmitting the user data via a common channel that contains message type information, which the Examiner asserts is taught in *Gray*. However, it is respectfully submitted that the Examiner is incorrect.

Claim 1 recites transmitting the user data via a common channel, which contains message type information when the parameter value is lower than the predefined reference value. Additionally, amended Claim 1 recites that this transmitting step occurs in the suspended state. The Examiner asserts that the *AAPA* teaches transmitting user data when a parameter value is lower than a predefined reference value, citing page 7, lines 3-7 of application. Although this section may show transmitting data when a parameter is lower than a predefined reference value (note that the Examiner is using the virtual time as the parameter), this section clearly shows that the mobile communication system must transition to an active state in order to transmit the data. However, as indicated above, in amended Claim 1, the transmitting step occurs in the suspended state. Further, *Gray* does not cure this deficiency.

As indicated above, Claim 1 has been amended to more clearly recite this feature. Accordingly, it is respectfully submitted that Claim 1 is patentably distinct from the AAPA in view of *Gray*, and it is respectfully requested that the rejection of Claim 1 be withdrawn.

Without conceding the patentability per se of the dependent claims, it is respectfully submitted that they are likewise patentable by virtue of their dependencies on their respective independent claims. Thus, reconsideration and allowance of Claims 2-10 is respectfully requested. As indicated above, Claims 16-21 have been allowed.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims now pending in the application, namely, Claims 1-10 and 16-21, are in condition for allowance. Early and favorable consideration and allowance of the pending claims is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to phone Applicants' attorney at the number indicated below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484

PJF/DMO/lah